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4 UNITED STATES DISTRICT COURT  
5 WESTERN DISTRICT OF WASHINGTON  
6 AT TACOMA

7 STEPHEN D. MAHONEY,  
8  
9 Petitioner,

10 v.

11 PAT GLEBE,  
12  
13 Respondent.

Case No. C09-5251 FDB


ORDER FINDING REPORT  
AND RECOMMENDATION  
MOOT AND RE-REFERRING  
CAUSE OF ACTION TO  
MAGISTRATE JUDGE

14 The Magistrate Judge filed a Report and Recommendation recommending denial of Petitioner's  
15 application to proceed *in forma pauperis*, as it appeared that he had sufficient funds to pay the \$5.00  
16 filing fee. Subsequently, the docket reflects that Petitioner has paid the filing fee. At the same time, his  
17 habeas corpus petition has been filed. Petitioner having paid the filing fee, the Report and  
18 Recommendation has become moot. The matter will be referred again to the Magistrate Judge to address  
19 the petition for habeas corpus.

20 The Court having reviewed the Report and Recommendation of the United States Magistrate  
21 Judge, and the remaining record, does hereby find and Order:

- 22 (1) Petitioner having paid the filing fee, The Report and Recommendation is found to be  
23 **MOOT** and is **STRICKEN** from the Court's calendar;  
24 (2) This matter is **RE-REFERRED** to the Magistrate Judge.  
25 (3) The Clerk is directed to send copies of this Order to Petitioner, and the Hon. Karen L.  
26 Strombom.  
27 (4) The Clerk is directed to send copies of this Order to Petitioner and any other party that has  
28 appeared in this action.

DATED this 15<sup>th</sup> day of June, 2009.

  
FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE